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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,677	12/09/2005	Tor Ronnestad	OPA 323	3688
23581	7590	06/29/2007	EXAMINER	
KOLISCH HARTWELL, P.C. 200 PACIFIC BUILDING 520 SW YAMHILL STREET PORTLAND, OR 97204			EDELL, JOSEPH F	
			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/538,677	RONNESTAD, TOR
	<b>Examiner</b>	<b>Art Unit</b>
	Joseph F. Edell	3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10 June 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-9 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 10 June 2005 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1.) Certified copies of the priority documents have been received.  
 2.) Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3.) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
     Paper No(s)/Mail Date 09/19/05, 02/06/07.
- 4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the two or more parallel spring blades (claim 6) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

2. Claims 1-9 are objected to because of the following informalities:
  - a. claim 1, lines 2 and 9, "shaft (3)" should read --shaft (30)--;
  - b. claim 1, line 4, "characterized in that" should read --wherein--;
  - c. claim 1, lines 6 and 7, "are" should read --is--;
  - d. claim 2, line 1, "Mobile" should read --mobile--;
  - e. claim 2, line 1, "characterized in that" should read --wherein--;
  - f. claim 2, line 2, "device" should read --element--;
  - g. claim 3, line 1, "Mobile" should read --mobile--;
  - h. claim 3, line 1, "characterized in that" should read --wherein--;
  - i. claim 4, line 1, "Mobile" should read --mobile--;
  - j. claim 4, line 1, "characterized in that" should read --wherein--;
  - k. claim 5, line 1, "Mobile" should read --mobile--;
  - l. claim 5, line 1, "characterized in that" should read --wherein--;
  - m. claim 6, line 1, "Mobile" should read --mobile--;
  - n. claim 6, line 1, "characterized in that" should read --wherein--;
  - o. claim 6, line 4, "shaft 3" should read --shaft (30)--;
  - p. claim 6, lines 4-5, "element" should read --element (20)--;
  - q. claim 7, line 1, "Mobile" should read --mobile--;
  - r. claim 7, line 1, "characterized in that" should read --wherein--;

- s. claim 7, lines 2-3, "is approximately 8 cm x 10 cm x 8 cm (height x width x length)" should read --are approximately 8 cm in height, 10 cm in width, and 8 cm in length--;
- t. claim 8, line 1, "Use" should read --use--;
- u. claim 9, line 1, "Use" should read --use--.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

- 3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 4. Claims 5, 8, and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 contains the trademark/trade name KEVLAR. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the

present case, the trademark/trade name is used to identify/describe a high strength polymer and, accordingly, the identification/description is indefinite.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3, 8, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 216,753 to Ordway.

Ordway discloses a mobile joint that includes all the limitations recited in claims 1-3, 8, and 9. Ordway shows a mobile joint having first and second joint elements a,e (see Fig. 3) pivotally connected by a shaft b', first and second parallel plate springs f each with first and second ends, an intermediate block element e, curved faces (one ends e) on the blocking element that abut the springs when deflected wherein each spring's first end is connected to the first joint element, each spring's second end glidingly abuts the second joint element, the axis of rotation of each spring is displaced in relation to each other and the shaft, each spring is capable of being adjusted by adjusting the distance from the axis of rotation of the shaft to the fixing of the springs, the mobile joint integrated in a seat device and connecting a seat frame d and an underframe (horizontal members connecting frames a).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4, 5, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ordway in view U.S. Patent No. 5,775,774 to Okano.

Ordway discloses a mobile joint that is basically the same as that recited in claims 4, 5, and 7 except that the mobile joint's dimensions and the material for the springs is not specified, as recited in the claims. Okano shows a mobile joint similar to that of Ordway wherein the joint has a spring 64 (see Fig. 2) made of fiberglass and reinforced with carbon (see column 5, lines 5-9). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the mobile joint of Ordway such that the springs are made of fiberglass and reinforced by carbon, such as the mobile joint disclosed by Okano. One would have been motivated to make such a modification in view of the suggestion in Okano that springs of fiberglass and reinforced with carbon allows springs to be custom made providing desired zones of flexibility.

Although the outside dimensions of the mobile joint are not specifically recited, modifying the dimensions would have been obvious at the time of Applicant's invention because the use of optimal workable ranges discovered by routine experimentation is ordinarily within the skill of the art. Further, it would have been an obvious matter of

design choice to modify the dimensions of the mobile joint since the Applicant has not disclosed that having the specific dimensions solve any stated problem or is for any particular purpose and it appears that the mobile joint would perform equally well with any well known dimensions used in the art.

Claim 5 uses "means of carbon," which fails to invoke 35 U.S.C. 112, sixth paragraph, because it does not meet the three prong analysis set forth in MPEP § 2181.

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ordway in view of U.S. Patent No. 2,828,801 to Papst.

Ordway discloses a mobile joint that is basically the same as that recited in claim 6 except that the springs lack two or more parallel spring blades, as recited in the claims. Papst show a mobile joint similar to that of Ordway wherein the mobile joint has springs 4 (see Fig. 3) divided into two or more parallel spring blades having different thicknesses and differently spaced. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the mobile joint of Ordway such that the springs are divided into two or more parallel spring blades having different thicknesses and differently spaced in distance to the shaft, such as the mobile joint disclosed by Papst. One would have been motivated to make such a modification in view of the suggestion in Papst that the springs with two or more parallel spring blades provide leaf springs resistant to lateral displacement.

***Response to Amendment***

10. The amendment to the claims filed on 10 June 2005 does not comply with the requirements of 37 CFR 1.121(c) because the amendment lacks claim identifiers. In the interest of compact prosecution, amended claims 1-9 were examined herein.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to mobile joints:

U.S. Pat. No. 1,737 to King                            U.S. Pat. No. 138,461 to Winchester

U.S. Pat. No. 6,827,401 B2 to Marshall et al. U.S. Pat. No. 4,141,530 to Ward

U.S. Pat. No. 4,371,142 to Bottemiller et al. U.S. Pat. No. 482,745 to Lewis

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (571) 272-6858. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Joe Edell

June 22, 2007